

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

BRENDA McALLISTER,

Plaintiff,

V.

TRENDWEST RESORTS, INC.,

Defendant.

Civil No. 03-1662-JO

FINDINGS OF FACT

AND CONCLUSIONS OF LAW

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JONES, Judge:

Following a jury trial on plaintiff's federal retaliation claim and state common law wrongful constructive discharge claim, the jury rendered a defense verdict on November 3, 2005.

Plaintiff also alleges a state law claim for retaliation under ORS 659.A.030, which the parties agree is tried to the court. Having considered all the evidence, including the exhibits and the testimony of witnesses, and having had a full opportunity to judge the credibility of the witnesses, I find and therefore conclude that plaintiff failed to sustain her burden of proving her state law claim by a preponderance of the evidence. Defendant is, therefore, entitled to judgment in its favor on the state law claim.

IT IS SO ORDERED.

DATED this 7th day of November, 2005.

/s/ Robert E. Jones
ROBERT E. JONES
U.S. District Judge